

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 17 is currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-30 and 35-37 are now pending in this application.

Applicants have amended the claims herein to more succinctly claim their invention and to obtain a speedier allowance of this application into an issued patent. Applicants reserve their right to file additional claims in a divisional, continuation, or continuation-in-part application directed to other subject matter.

Interview with Examiner

The undersigned, on behalf of applicant, thanks the examiner for the telephone interview of October 22, 2004. No agreements were made with respect to the scope of the claims in that interview, however, the examiner indicated he would discuss this case further with the supervisory examiner.

Response to 35 U.S.C. § 102(b) Rejection

The Office Action dated August 24, 2004, has rejected claims 1-6, 8-10, 12, 14, and 17-20 under 35 U.S.C. § 102(b) as being anticipated by Crawford et al. (U.S. Patent No. 2,596,010). The Office Action states that Crawford discloses using an isohexane solvent to form an extraction mixture, where the isohexane solvent includes 95% methylpentane and has less than 0.5% of aromatic. (Page 2).

Crawford is an inappropriate 102(b) reference because it fails to permit a reader to “at once envisage” the claimed compound. *See In re Meyer*, 599 F.2d 1026, 202 USPQ 175 (CCPA 1979) (A reference disclosing “alkaline chlorine or bromine solution” embraces a large number of species that cannot be said to anticipate claims to “alkali metal hypochlorite.”); *Akzo N.V. v. International Trade Comm’n*, 808 F.2d 1471, 1 USPQ2d 1241 (Fed. Cir. 1986) (Claims to a process using a 98% solution of sulfuric acid were not anticipated by a reference which disclosed using sulfuric acid solution but which did not disclose using a 98% concentrated sulfuric acid solution); *MPEP* 2131.02 (8th Ed.).

Claim 1 and amended claim 17 each require (among other combinations of subject matter) “no more than about 0.1 wt.% hydrocarbons having less than 6 carbon atoms.” Crawford fails to disclose this species of isohexane having such a low amount of low weight hydrocarbons that can be used for oil extraction from seed material. Further, amended Claim 17 requires the claimed compound to have, among other things, at least 99 wt. % saturated aliphatic hydrocarbons having 6 carbon atoms, and no more than 3 wt. % dimethylbutanes. Again, Crawford fails to describe any species of isohexane used to extract oil from seed material which identifies the claimed ranges for the amount of saturated aliphatic hydrocarbons and dimethylbutane. As indicated in the specification, small changes in the amounts of the low weight hydrocarbons and dimethylbutane can drastically effect the flash points (wet/dry bubble point and boiling/dew points) of the isohexane solvent. For these reasons, Crawford cannot anticipate independent claims 1 and 17. Further, Crawford cannot anticipate claims 2-6, 8-10, 12, and 14, which are dependent from claim 1, and claims 18-20, which are dependent from amended claim 17.

Response to 35 U.S.C. § 103(a) Rejection

The Office Action has also rejected claims 7, 11, 13, 15, 16, 21-30, and 35-37 under 35 U.S.C. 103(a) as being unpatentable over Crawford. Applicants have discovered that an isohexane solvent with a significantly reduced amount of hydrocarbons having less than 6 carbon atoms prevents the escape of hydrocarbons in the atmosphere. As addressed in Applicants' specification at paragraph 43, minor variations in the chemical composition of the isohexane solvent can significantly affect the required cooling surface area (e.g., a 2°F

difference in wet bubble point temperature decreases the required cooling surface area by about 20%, about a 3°F difference decreases the required surface cooling area by about 37%, and a 4°F difference decreases the required surface cooling areas by about 50%). Applicants account for this drastic affect by claiming in each independent claim an isohexane solvent having "no more than about 0.1 wt.% hydrocarbons having less than 6 carbon atoms."

Crawford actually teaches away from using an isohexane with a low amount of hydrocarbons having less than 6 carbon atoms. In particular, Crawford discloses that the use of isopentane (a C5 hydrocarbon) "can be employed with excellent results." (Col 2, l. 50-Col. 3, l. 1). Accordingly, Carwford cannot render obvious the claimed inventions. Applicants respectfully request that the Examiner allow all independent claims, and the claims dependent therefrom.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. Applicants also request an advisory action on this case in the event its arguments are not accepted in order to consider the appropriateness of an appeal.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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